

REMARKS

In an Official Action dated April 21, 2008, the Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I: claims 1 and 8-10, drawn to a system;

Group II: claims 2 and 4, drawn to a method;

Group III: claim 3, drawn to a method;

Group IV: claim 5, drawn to a method;

Group V: claim 6, drawn to a method;

Group VI: claim 7, drawn to a method;

Group VII: claims 11-15, drawn to a system;

For a proper requirement for restriction, MPEP § 803.02 requires that (A) the inventions must be independent or distinct as claimed; and (B) there would be a serious burden on the examiner if restriction is not required. MPEP § 803.02 also requires that Examiners must provide reasons and/or examples to support the conclusions.

In the present Office Action, the Examiner has omitted reasons for restriction. See the blank area after the second full paragraph in page 3 of the Office Action. Therefore, the current requirement for restriction is not proper.

On May 8, 2008, the Applicant's representative contacted the Examiner regarding the omitted reasons for restriction. The Examiner indicated that he would issue a substitute restriction requirement to provide reasons for the restriction, and re-start the reply period based on the date of the substitute restriction requirement. The Examiner further indicated that he would issue an Examiner Interview Summary as a record of the conversation regarding the substitute restriction requirement. A

title for an Examiner Interview Summary Record (PTOL - 413) has subsequently appeared in Patent Application Information Retrieval (PAIR). However, the Examiner Interview Summary Record has not been available for downloading.

On May 16, 2008, the Applicant's representative again contacted the Examiner to inquire when the substitute restriction requirement would be issued. The Examiner indicated that he submitted a substitute restriction requirement, which specified that the reply period is re-started, to the mail room on May 12, 2008, and the substitute restriction requirement was bounced back to him by the internal system. The Examiner also indicated that he would re-submit the substitute restriction requirement on the same day.

On May 21, 2008, the Applicant's representative attempted to contact the Examiner without success.

Because the Examiner has clearly indicated that a substitute restriction requirement would be issued, and that the reply period would be re-started based on the date of the substitute restriction requirement, Applicant respectfully submits that a response, in merit, to the outstanding restriction requirement is deemed unnecessary at this time. In addition, it is highly prejudicial to the Applicant if the Applicant is required to respond, in merit, to the outstanding restriction requirement, since the omission of the Examiner's reasons for restriction denies Applicant the basis for determining whether the restriction requirement meets the requisite standards, and presenting a reasoned traversal if it does not.

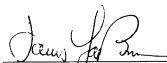
Should any questions arise in connection with this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: May 21, 2008

By:



James A. LaBarre
Registration No. 28632

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620